

### **REMARKS**

This paper is presented in response to the non-final official action of March 20, 2008, wherein (a) claims 1-57 were pending, (b) claims 7-21 and 29-57 were withdrawn from consideration, (c) the drawings were objected to, (d) the abstract was objected to, (e) claims 1-5 and 22-24 rejected as anticipated by Kajino U.S. Patent No. 6,957,670 ("Kajino"), and (f) claims 6 and 25-28 were objected to but deemed allowable in substance.

In keeping with the foregoing amendments and the following remarks, reconsideration and allowance is respectfully requested.

#### **Objection to the Drawings**

The applicants respectfully traverse the objection to the drawings. The engagement portion provided integrally with the fixing hole 9 is shown in the figures as originally filed. For example, the fixing hole 9 is shown at least in Figs. 1, 6, and 7, and the engagement portion is shown at least in Fig. 17. According to the paragraph beginning at line 18 on page 33, "an engagement portion 9A may be formed within at least one of the holes 9 as shown in Fig. 17." As a result, the drawings show every feature of the invention specified in the claims. The applicants respectfully request withdrawal of the objection to the drawings.

#### **Objection to the Specification**

The applicants respectfully submit that the objection to the specification is moot in view of the amendments to the abstract above. The applicants respectfully request withdrawal of the objection to the specification.

#### **Claim Rejections Under 35 U.S.C. § 102**

The applicants respectfully traverse the rejection of claims 1-5 and 22-24 as under as anticipated by Kajino on the basis that Kajino is not prior art with respect to the rejected claims.

Although the official action alleges that Kajino is a reference under 35 U.S.C. § 102 (b) in paragraph 5 on page 3, the official action properly quotes 35 U.S.C. § 102 (e) in paragraph 4 on page 3. The applicants assume that the rejection was intended to be based on 35 U.S.C. § 102 (e), as Kajino's international (PCT)

application was published October 9, 2003, less than one year prior to the international filing date of the instant application.

However, Kajino is not prior art under 35 U.S.C. § 102 (e) because the international publication was not in the English language. As a result, Kajino does not have a § 102 (e) date, and its earliest effective date as a reference under 35 U.S.C. § 102 (a) is October 9, 2003.

The instant application claims the priority benefit of Japanese Patent Application No. 2002-307314, which was filed on October 22, 2002. To perfect the priority claim to Japanese Patent Application No. 2002-307314, the applicants respectfully submit an English translation of Japanese Patent Application No. 2002-307314 in Appendix A. As a result, the instant application is entitled to a filing date of October 22, 2002, and consequently Kajino is not prior art to the instant application. The applicants respectfully request withdrawal of the rejection of claims 1-5 and 22-24 as anticipated by Kajino.

Additionally, the applicants respectfully submit that the duct disclosed in Kajino is not a corner plateless duct as recited by each of claims 1-5 and 22-24. Specifically Kajino teaches that corner pieces are manufactured as separate components (see the L-shaped corner piece 46 in Figs. 11A and 11B of Kajino). These corner pieces are attached to a main body by welding, etc. For example, see the L-shaped corner piece 46 in Fig. 5 of Kajino. Because Kajino discloses a duct having corner pieces, none of claims 1-5 and 22-24, which recite a corner plateless duct, can be anticipated by Kajino. For this additional reason, the applicants respectfully request withdrawal of the rejection of claims 1-5 and 22-24.

#### **INFORMATION DISCLOSURE STATEMENTS**

The applicants respectfully request that the next official action include a copy of the filed PTO forms SB/08 with the examiner's initials indicating that each reference included on the forms SB/08 has been considered. The applicants note that the copy of the forms SB/08 returned with the most recent official action lacked the examiner's initials.

### **Conclusion**

In view of the foregoing amendments and remarks, the applicants respectfully submit that the application is in condition for allowance.

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Respectfully submitted,

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## **APPENDIX A**